

JSM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Leobardo ALBA-Briseno

Defendant

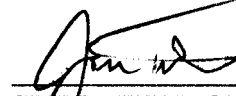
Magistrate Docket No. 07 MJ 2692

07 NOV 19 AM 10:38
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF ^{CP}
DEPUTYTitle 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

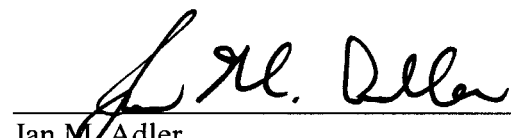
On or about **November 18, 2007** within the Southern District of California, defendant, **Leobardo ALBA-Briseno**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19th DAY OF NOVEMBER,
2007



Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Leobardo ALBA-Briseno****PROBABLE CAUSE STATEMENT**

On November 18, 2007 Border Patrol Agent K. Reale was performing line watch duties in the Chula Vista Border Patrol area of responsibility. At approximately 6:45 a.m. she responded to a call via Bureau radio from Border Patrol Agent S. Crudale of a suspected undocumented individual in an area known to agents as Johnny Wolfes Draw. This area is located approximately three miles east of the Otay Mesa, California Port of Entry and approximately one mile north of the United States/Mexico International Boundary fence. Agent Crudale who was the Infra-red scope operator, stated that he observed the individual traveling northbound from Johnny Wolfes Draw. Agent Reale responded to the area and after a brief search, found an individual attempting to conceal himself in some brush. Agent Reale approached the individual, identified herself as a United States Border Patrol Agent, and questioned the individual later identified as the defendant, **Leobardo ALBA-Briseno** as to his citizenship. When asked of what country he was a citizen, the subject answered "Mexico." Agent Reale then asked him whether he had immigration documents to stay or remain in the United States legally to which he answered "No." Agent Reale arrested the subject and transported him to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on December 16, 2004 through San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.